



## **Staff Report**

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### **DISCUSSION AND DIRECTION REGARDING ESTABLISHMENT OF A CITIZENS VOLUNTEER PROGRAM FOR CODE ENFORCEMENT**

Honorable Mayor and Council Members:

#### **Summary**

Following Council direction, staff has conducted a preliminary investigation into how a volunteer program for code enforcement might be established. No public hearing is scheduled and no specific action is required. Depending on Council direction, this item may be incorporated into the Police Department's Citizen Volunteer program or included in the next Priority Calendar.

#### **Background**

The City has a long tradition of community involvement in public affairs through formal mechanisms such as the Commissions and the Art & Wine Festival, and through informal participation in public hearings, neighborhoods associations and civic-oriented social gatherings.

Recently, the City tapped the potential of volunteers to help in the delivery of public services through the Belmont Police Department Citizen Volunteers, which was established in 2002. The Council has more recently requested staff to investigate the use of volunteers for code enforcement activities.

#### **Discussion**

Staff has conducted a preliminary search of communities for volunteer code enforcement work and found that cities that have volunteer programs related to enforcement activities are managed through their respective police departments (San Bernardino County's Citizens Patrol and King City's Senior Citizens on Patrol, see attachments). There is a good reason for this, since code enforcement has similar characteristics to police work: The claim of a violation, required investigative work, preparation of a case under rules of evidence, and testifying in a court of law.

While the Council has not specifically determined what role it might like volunteers to play, activities which go beyond clerical duties (a necessary, if behind-the-scenes role) could include:

- Maintaining internal records, including electronic data entry,
- Preparing letters and reports,
- Site investigations, including entering property,
- Photography,
- Contacting the affected property owner or neighbors, or
- Appearing as a witness at administrative hearings or in court.

Some of these activities raise liability issues for the City. In any case, background checks, training, supervision and acknowledgement by the prospective volunteer of the responsibilities and limits of his or her duties appear necessary for any volunteer program.

Fortunately, Belmont already has a volunteer program based in its Police Department. This program has been in effect for two years, and has a record of success in attracting interested and dedicated citizens to support the work of the Belmont PD. In reviewing the existing program with the Police Chief, the Human Resources Director and the City Attorney, the following observations are offered about any new or expanded volunteer effort:

1. Start with a pilot program. It will take some time to work out the most effective program for code enforcement volunteers, and starting small will assure that problems are worked out more easily. (Using the existing PD program will take advantage of a program that has already completed its ‘pilot’ stage.)
2. Start all volunteers inside before considering them for outside assignments. Having volunteers see the record-keeping side of the business may be unglamorous compared with investigating sites or contacting people; however, good recordkeeping is the beginning, middle and end of any successful code enforcement action. An appreciation of good recordkeeping should be established with each volunteer.
3. Let volunteers have a choice. The City may have specific needs for volunteer activities, but it has been shown that volunteers will stay with a program when they are doing something they enjoy. Some people would prefer to work in an office while others want to be outside. The City should have a variety of activities available for volunteers. To the extent that there are limits on activities due to legal or logistical reasons, it should be expected that some people will not find anything to their liking and drop out.
4. Volunteers still require staff time for processing, training and supervision. While volunteers are valuable assets, they also require administrative support. As can be seen in the attached Belmont Police Department Interim Directive 2004-03 Citizen Volunteers, a significant investment of time is required to recruit, investigate, train and supervise volunteers. Consequently, while volunteers are not paid, do not receive benefits and are not eligible for workers compensation, the City must still budget resources for the program.
5. Be careful with liability, legal and other issues. At this time, staff has not fully investigated all the implications of bringing in volunteers to assist with code enforcement activities. There are potential liability, legal and other concerns that must be investigated. Ultimately, the City must be sure that the program is designed and the individual is trained so the City does not compromise its ability to be successful in court.<sup>1</sup> Based on direction from the Council, staff will investigate and report on these implications.

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<sup>1</sup> Even if the City develops an in-house administrative code enforcement hearing process, challenges will ultimately be resolved in the County courts.

Staff has attached the General Order and a previous memo which describe the procedures for the Police Department's Citizen Volunteers, including functions, duties & assignments, recruitment & testing, selection, training, work schedules and personal injury issues. Staff believes that this program could easily be expanded for code enforcement, and Chief Mattei supports the use of the Police Department program – in coordination with our Code Enforcement Officer – for code enforcement volunteers.

An alternative is to develop a stand-alone volunteer program, which staff believes will require significantly more than 20 hours to prepare. If this is the Council's preference, the item will be included on the Spring 2005 review of the Council's Priority Calendar.

**Fiscal Impact**

No significant direct expenses are projected at this time. Development and implementation of any volunteer program will require staff time, which is presently not budgeted.

**Public Contact**

Posting of City Council agenda.

**Recommendation**

It is recommended that the Council direct the Community Development and Police Departments to expand the existing PD Citizen Volunteer program to include code enforcement activities, and return to the Council with an analysis and description of a revised program.

**Alternatives**

1. Direct staff to place an independent volunteer program for code enforcement on the Priority Calendar for Spring 2005.
2. Cancel the project.

**Attachments**

- A. Belmont Police Department Interim Directive 2004-03, Citizen Volunteers
- B. Belmont Police Department Memorandum (May 23, 2002)
- C. San Bernardino County Sheriff's Department – Citizens on Patrol program (web pages)
- D. King City Police Department Citizen Programs (web page)

Respectfully submitted,

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